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William C. Gerstenzang
Norris, McLaughlin & Marcus, P.A.
220 East 42nd Street
New York, NY 10017

In re Application of SAMANT et al	:	
U S. Application No.: 10/030,198	:	
Int. Application No.: PCT/EP01/02612	:	DECISION ON PETITION
Int. Filing Date: 08 March 2001	:	
Priority Date: 10 March 2000	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: Metal 1287-WCG	:	
For: METHOD AN DEVICE FOR	:	
CATALYTICALLY TREATING EXHAUST	:	
GAS CONTAINING DUST AND OXYGEN	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 CFR § 1.137(b)" filed 05 January 2002.

BACKGROUND

On 08 March 2001, applicant filed international application PCT/EP01/02612, which claimed priority of an earlier Germany application filed 10 March 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 13 September 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2001 (10 November 2001 was a Saturday preceding a Monday holiday).

International application PCT/EP01/02612 became abandoned as to the United States at midnight on 13 November 2001 for failure to pay the basic national fee.

On 05 January 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497, a translation of the international application into English, and the appropriate late filing surcharges must be submitted.

Bryah Tung
Bryah Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459